

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

Case No.: 3:08-cv-143

PORTALES PLACE PROPERTY, LLC,

Plaintiff,

v.

MARIO GUESS a/k/a JERRY DEMARIO  
GUESS a/k/a J.D. GUESS a/k/a JERRY D.  
GUESS, LIGNA ACQUISITION GROUP, LLC,  
and THP ESCROW SERVICES CORP.,

Defendants.

**ORDER GRANTING  
PLAINTIFF'S MOTION FOR RELIEF  
PURSUANT TO N.C. GEN. STAT.  
§§ 1-324.2 AND 1-409 ET SEQ.  
AND  
FOR EXPANSION OF PREVIOUSLY  
GRANTED WRIT OF ATTACHMENT**

This matter is before the Court on the Motion of Plaintiff Portales Place Property, LLC ("Plaintiff") for an order (i) directing Defendant Mario Guess a/k/a Jerry DeMario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess ("Guess") to identify the officers and directors of Ligna Acquisition Group, LLC ("Ligna") and provide the United States Marshal with a schedule of Ligna's assets under N.C. Gen. Stat. § 1-324.5; (ii) providing for further order of this Court for Guess's arrest pursuant to N.C. Gen. Stat. § 1-409 *et seq.* should Guess fail to furnish the information within the deadline established by the Court; and (iii) expanding the Writ of Attachment to reach the individual assets of Guess.

Upon consideration of Plaintiff's verified complaint, the affidavit of First Charter Bank and Plaintiff's motion and supporting memorandum of law, it is hereby ORDERED and DECREED that:

1. Guess shall furnish in writing to the U.S. Marshals Service for the Western District of North Carolina, and to counsel for Plaintiff, the names of the directors and officers of Ligna and a schedule of all of Ligna's property by 2:00 p.m. on wednesday, April 23, 2008.

2. If Guess does not comply with Paragraph 1 of this Order, Plaintiff shall submit a proposed order for Guess's civil arrest with bail provided for by N.C. Gen. Stat. § 1-420 to be set at \$1,125,000 and the bond required by N.C. Gen. Stat. § 1-412 to be set at \$5,000.

3. The Writ of Attachment previously issued against Ligna shall be extended to include Guess because it appears that Guess has removed property from this State with the intent to defraud Plaintiff.

4. The \$10,000 bond previously posted by Plaintiff pursuant to N.C. Gen. Stat. § 1-440.10 is sufficient to provide adequate protection of Guess and Ligna. However, this determination does not preclude Ligna or Guess from filing a motion asking the Court to increase the amount of the bond pursuant to N.C. Gen. Stat. § 1-440.40.

5. The Clerk of Court shall re-issue the Writ of Attachment to include the property of Guess.

6. The U.S. Marshal is hereby directed to enforce the Writ of Attachment by attempting to levy on the property of Ligna and Guess to secure the payment of \$1,125,000.

SO ORDERED.

Signed: April 16, 2008

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

